
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Transportation)**

Introduced and read first time: January 23, 2003

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Law - Commercial Driver's License and Instructional Permit -**
3 **Minimum Age**

4 FOR the purpose of repealing the authority of the Motor Vehicle Administration to
5 issue, under certain circumstances, a certain commercial driver's license or a
6 commercial driver's instructional permit to an individual under a certain age;
7 repealing the authority of the Administration to issue certain regulations; and
8 generally relating to the issuance of commercial drivers' licenses and
9 commercial drivers' instructional permits.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-817 and 25-111(i)
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Transportation**

18 16-817.

19 (a) Except as provided in subsections (b)[, (c), and (d)] AND (C) of this section,
20 the Administration may not issue a commercial driver's license or a commercial
21 driver's instructional permit to any individual:

22 (1) Who is not a resident of Maryland; and

23 (2) Who is not at least 21 years of age.

24 (b) [(1)] The Administration may issue a Class A, B, or C commercial driver's
25 license or a commercial driver's instructional permit to an individual under the age of
26 21, if the individual is at least 18 years of age. The license:

- 1 [(i)] (1) May not include a hazardous materials endorsement;
- 2 [(ii)] (2) May not be valid for commercial interstate operation
3 except as permitted by 49 CFR Parts 390 to 399; and
- 4 [(iii)] (3) Shall be valid for commercial intrastate and all
5 noncommercial operation.

6 [(2) The Administration may issue a Class B commercial driver's license
7 or a commercial driver's instructional permit to an individual under the age of 18, if
8 the individual meets the requirements of subsection (c) of this section. The license:

- 9 (i) May not include a hazardous materials endorsement;
- 10 (ii) May not include a passenger vehicle endorsement;
- 11 (iii) May not be valid for commercial interstate operation except as
12 permitted by 49 CFR Parts 390 to 399; and
- 13 (iv) Shall be valid for commercial intrastate and all noncommercial
14 operation.

15 (c) (1) The Administration may issue a commercial driver's license or a
16 commercial driver's instructional permit to an individual under the age of 18, if the
17 individual is at least 16 years old and has completed satisfactorily a driver's
18 education course approved under Subtitle 5 of this title.

19 (2) The individual shall be exempt from the laboratory instruction
20 required by Subtitle 5 of this title, but not the required classroom instruction if the
21 individual:

- 22 (i) Has been licensed regularly to drive in another state for at least
23 6 months; and
- 24 (ii) Establishes to the satisfaction of a classroom instructor
25 certified under Subtitle 5 of this title that the individual's driving experience is
26 sufficient to justify the exemption.]

27 [(d)] (C) Consistent with the Code of Federal Regulations, the Administration
28 may issue a commercial driver's license to an applicant domiciled in a foreign country.
29 25-111.

30 (i) (1) Except as provided for in paragraph (2) of this subsection, regulations
31 adopted under this section for intrastate motor carrier transportation may not:

32 [(i) Require that a driver be older than 18 years of age;]

33 [(ii)] (I) Apply the provisions of § 391.21, § 391.23, § 391.31 or §
34 391.35 of the Federal Motor Carrier Safety Regulations to:

1 Regulations to a driver who operates a vehicle or vehicle combination with a
2 registered gross or combination weight of less than 26,001 pounds; or

3 [(vii)] (VI) Except in the case of bus drivers, apply the provisions of §
4 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations to any
5 person who:

6 1. Was otherwise qualified to operate and operated a
7 commercial motor vehicle in intrastate commerce on or before October 1, 1992;

8 2. Operates only in intrastate commerce; and

9 3. Has a mental or physical condition which would disqualify
10 the person under the Federal Motor Carrier Safety Regulations and:

11 A. The condition existed on October 1, 1992 or at the time of
12 the first physical examination after that date to which the person submitted as
13 required by regulations adopted by the Administration under subsection (k) of this
14 section; and

15 B. A physician who has examined the person has determined
16 that the condition has not substantially worsened since October 1, 1992 or the time of
17 the first required physical examination after that date.

18 (2) Nothing contained in this subsection limits regulation of the
19 qualifications or hours of service of a driver of a vehicle:

20 (i) In interstate commerce;

21 (ii) Transporting hazardous materials of a type and quantity
22 requiring placarding under Federal Hazardous Materials Regulations; or

23 (iii) Designed to transport 16 or more passengers, including the
24 driver.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2003.